

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

TRACY L. JOHNSON,)	
PLAINTIFF,)	
VS.)	2:06-cv-461-JHH
VERIZON WIRELESS,)	
DEFENDANT.)	

ORDER

On November 3, 2006 the court entered an order (doc. #19) detailing plaintiff's noncompliance with the court's earlier orders. The conclusion of that order stated that the court would "dismiss this action for plaintiff's failure to comply with the court's orders unless plaintiff shows good cause in writing by December 1, 2006, why this action should not be dismissed."

On November 30, 2006, the now pro se plaintiff¹ filed a document (doc. #22) entitled "Reasons for Non-Dismissal." In this document, plaintiff recounted multiple difficulties related to encounters with two different attorneys apparently retained by plaintiff to represent him. He also described why his deposition was

¹ The court granted plaintiff counsel's motion to withdraw on November 16, 2006 (doc. #21).

not taken as scheduled and ordered by the court.

Although sympathetic to the difficulties plaintiff has encountered, plaintiff has not shown good cause why this action should not be dismissed. The problems described by plaintiff do not address the noncompliance with the court's orders; instead, he insists that he provided all responsive information to his attorneys. As such, this action is due to be dismissed.

However, the court will give plaintiff one last chance. The court will reinstate the complaint if the following two conditions are met by **January 16, 2007**: (1) plaintiff (whether represented by counsel or pro se)² must appear for his deposition at **10:00 a.m. on January 16, 2007** at the offices of counsel for defendant, South Trust Tower, Suite 1600, 420 North 20th Street, Birmingham, Alabama 35203. If scheduling conflicts arise with this date and time, the parties must notify the court in writing of the new date and time of the deposition, which must take place between December 5, 2006 and January 16, 2007; (2) plaintiff (whether represented by counsel or pro se) must **FILE** and **SERVE** full and complete answers³ to **ALL** (a) interrogatories, (b) request for production of

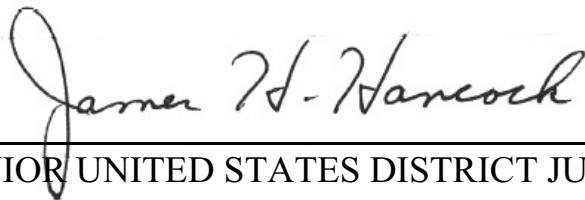
² Plaintiff has advised the court that he is in the process of retaining new counsel. The court highly encourages plaintiff to promptly retain counsel and request that attorney immediately to enter an appearance in this case.

³ Any objections to defendant's discovery requests were waived long ago.

documents and (c) initial disclosures.⁴ If plaintiff complies, and the complaint is reinstated, all potentially dispositive motions must be filed by **February 19, 2007**, and disclosure of final lists of trial witnesses and exhibits under Rule 26(a)(3) must be filed and served by **March 2, 2007**.

In summary, this case is **DISMISSED** with prejudice, but is subject to reinstatement under the conditions described above.

DONE this the 5th day of December, 2006.



A handwritten signature in black ink, reading "James H. Hancock". The signature is written in a cursive style with a large initial "J".

SENIOR UNITED STATES DISTRICT JUDGE

⁴ The court is aware that plaintiff has answered some of defendant's discovery. Plaintiff is advised to review documents number 17 and 19 to see what other information needs to be provided to defendant.

In addition, the court reminds both parties that except for the deposition of the plaintiff and production by plaintiff of the discovery in accordance with this order, discovery is closed. Any effort to reopen discovery would be fruitless.